

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

KEVIN J. BARRY (CABN 229748)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Facsimile: (415) 436-7234  
Email: kevin.barry@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No. 12-mj-70647 MAG
	)	
Plaintiff,	)	
	)	<b>STIPULATION AND <del>PROPOSED</del></b>
v.	)	<b>ORDER CHANGING HEARING DATE</b>
	)	<b>AND EXCLUDING TIME</b>
JAY SALVADOR HERNANDEZ,	)	
	)	
Defendant.	)	
_____	)	

The Court has set October 25, 2012, as the date for a preliminary hearing or arraignment.

The parties hereby stipulate to move the preliminary hearing or arraignment date to December 5, 2012, and they request that the Court extend the time limits provided by Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161. This extension of time is necessary for the parties to explore possible pre-indictment resolution, to produce and to receive discovery, and for effective preparation of counsel.

Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of time, and the parties represent that good cause exists for this extension, including the effective

1 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). For the same reasons, the parties  
 2 also request that the Court exclude from the time limits of 18 U.S.C. § 3161 the period from the  
 3 date of this Order through December 5, 2012. The parties also agree that the ends of justice  
 4 served by granting such an exclusion of time outweigh the best interests of the public and the  
 5 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

6  
 7 SO STIPULATED:

8 MELINDA HAAG  
 United States Attorney

9 DATED: October 24, 2012

10 /s/  
 KEVIN J. BARRY  
 Assistant United States Attorney

11  
 12 DATED: October 24, 2012

13 /s/  
 HARRIS TABACK  
 Attorney for JAY HERNANDEZ

14  
 15  
 16  
 17  
 18  
 19  
 20 [PROPOSED] ORDER

21 For the reasons stated above, the Court sets December 5, 2012, as the date for the  
 22 arraignment or preliminary hearing. The Court finds that extension of time limits applicable  
 23 under Federal Rule of Criminal Procedure 5.1(c) from the date of this Order through December  
 24 5, 2012, is warranted; that exclusion of this period from the time limits applicable under 18  
 25 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance outweigh the  
 26 interests of the public and the defendant in the prompt disposition of this criminal case; and that  
 27 the failure to grant the requested exclusion of time would deny counsel for the defendant and for  
 28 the government the reasonable time necessary for effective preparation and continuity of

counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 10/25/12

THE HON.  
United States

